

**Before the Housing and Community Development Chief of Planning
in and for the County of Monterey, State of California**

In the matter of the application of:

COPPERHEAD CREEK LLC (PLN230078)

RESOLUTION NO. 23-078

Resolution by the Monterey County HCD Chief of Planning:

- 1) Finding that the project is a minor lot line adjustment, which qualifies as a Class 5 Categorical Exemption pursuant to Section 15305(a) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Lot Line Adjustment between two legal lots of record consisting of Parcel A (188.9 acres, Assessor's Parcel Numbers 424-061-002-000 & 424-061-041-000) and Parcel B (67.5 acres, Assessor's Parcel Number 424-061-040-000), resulting in two lots consisting of Adjusted Parcel A (183.1 acres) and Adjusted Parcel B (73.3 acres), respectively [PLN230078 COPPERHEAD CREEK LLC, 73550, 73552, 73554, & 73556 PLEYTO CEMETERY ROAD, BRADLEY, SOUTH COUNTY AREA PLAN (APNs: 424-061-040-000, 424-061-041-000, & 424-061-002-000)]

The COPPERHEAD CREEK LLC application (PLN230078) came on for an administrative decision hearing before the Monterey County HCD Chief of Planning on November 1, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented the Monterey County HCD Chief of Planning finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - South County Area Plan;
 - Monterey County Subdivision Ordinance (Title 19); and
 - Monterey County Zoning Ordinance (Title 21).No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The project involves a Lot Line Adjustment (LLA) between two legal lots of record, Parcel A (188.9 acres) and Parcel B (67.5 acres), resulting in two parcels containing 183.1 acres (adjusted Parcel A) and 73.3 acres (adjusted Parcel B). The purpose of the LLA is to reconfigure the parcel lines to allow for future development at the desired location that is in proximity to the existing structures.
- c) The properties are located at 73550, 73552, 73554, & 73556 Pleyto Cemetery Road, Bradley, and the adjacent parcel to the west [No address assigned], South County Area Plan (Assessor's Parcel Numbers [APNs] 424-061-040-000, 424-061-041-000, & 424-061-002-000). The parcels are zoned Permanent Grazing with a 40-acre minimum or "PG/40." The project complies with all regulations within section 19.09 "Lot Line Adjustments" of the Monterey County Code. No additional development is proposed with this Lot Line Adjustment. The reconfiguration of the parcels will not otherwise intensify water use, create new building or potential development beyond what currently exists. Therefore, the project is an allowed land use for this site.
- d) The subject parcels are zoned for Permanent Grazing and are used for cattle grazing. Additionally, Parcel B consists of three single family dwellings and an accessory dwelling unit (Building Permits Nos. 20CP02691, 20CP02693, 20CP02694, and 20CP02695) to support the agricultural use of the property for the owner, operator, and employees employed on-site, that is situated within a fully fenced area of approximately 2 acres of the 67.5-acre lot. Neither of the subject parcels is under Williamson Act contract.
- e) Lot Legality. The subject properties (188.9 acres and 67.5 acres in size), APNs: 424-061-040-000, 424-061-041-000, & and 424-061-002-000, are identified as the southeast quarter of the southwest quarter, and the southwest quarter of the southeast quarter of section 6; the north half of the northeast quarter and the northeast quarter of the northwest quarter of section 7 in Township 24 South, Range 9 East, and Parcel 4 of Lot Line Adjustment in Sections 7 and 8, in Township 24 South, Range 9 East, Mount Diablo Meridian, Monterey County, California as shown on Record of Survey, Volume 22, Page 66, recorded April 13, 1999. Therefore, the County recognizes the subject properties as legal lots.
- f) At this time, County is only authorizing and granting a permit for a LLA. For any future structural development on the adjusted parcels, the applicants must obtain the proper permits from the County and comply with the development standards, other policies, and regulations at the time.
- g) Development Standards. The development standard for minimum lot size in the PG/40 zoning district is identified in Title 21 section 21.34.060.A, which identifies a minimum building site as forty (40) acres. Parcel A contains 188.9 acres and Parcel B contains 67.5 acres. As proposed, adjusted Parcel A contains 183.1 acres and adjusted Parcel B contains 73.3 acres. Both parcels will be in conformance with the minimum building site requirement of PG/40. The granting of this Discretionary Permit will not affect the minimum lot size requirements for parcels within the PG district. Pursuant to Title 21 section 21.34.060.D, the maximum building site coverage PG district is five (5)

percent, except for commercial greenhouse operations which are permitted a coverage of fifty (50) percent. The current site coverage of Parcel A is zero and Parcel B is approximately 0.52 percent. Parcel A will be transferring 5.8 acres to Parcel B, slightly decreasing site coverage. The Adjusted Parcel B will have a total site coverage of approximately 0.48 percent, which will conform to zoning district standards.

- h) Land Use Advisory Committee (LUAC) Review. The project was not referred to the South County Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because it does not involve a lot line adjustment in the coastal zone, does not require review by the Zoning Administrator or Planning Commission, and is exempt from environmental review (see Finding 6).
- i) Agricultural Advisory Committee (AAC) Review. The project was referred to the Agricultural Advisory Committee (AAC) for review on September 28, 2023. The 2010 General Plan Policy AG-1.8 requires that all discretionary applications in lands designated for agricultural use be referred to the County's Agricultural Advisory Committee (AAC) for their review and recommendation to the decision-making body. This application warrants referral to the AAC because the project involves agricultural lands. The AAC recommended approval of the project by a vote of 7-0.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning are found in Project File PLN230078.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the proposed development and/or use.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and South County Fire Protection District. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended by HCD Planning have been incorporated.
 - b) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning are found in Project File PLN230078.

3. FINDING: HEALTH AND SAFETY – The establishment, maintenance, or operation of the project applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:** a) The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and South County Fire Protection District. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Water for the project will be provided by a private well and sewage disposal will be provided through an existing on-site septic system.
- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning are found in Project File PLN230078.
- 4. FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.
- EVIDENCE:** a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
- b) There are no known violations on the subject parcels.
- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning are found in Project File PLN230078.
- 5. FINDING: LOT LINE ADJUSTMENT** - Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:
1. The lot line adjustment is between four (or fewer) existing adjoining parcels;
 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
 3. The parcels resulting from the lot line adjustment conforms to the County’s general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.
- EVIDENCE:** a) The parcels are zoned Permanent Grazing 40-acre minimum “PG/40.” As discussed in Finding 1, development on the resulting parcel will continue to be consistent with the zoning.
- b) The LLA is between two legal lots of record, Parcel A (188.9 acres) and Parcel B (67.5 acres), resulting in two parcels containing 183.1 acres (adjusted Parcel A) and 73.3 acres (adjusted Parcel B). The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. Parcel A is directly connected to Parcel B, sharing an access road. No new parcels will be created.
- c) The lot line adjustment is between four (or fewer) existing adjoining parcels that the County recognizes as legal lots of record (See Finding 1 Evidence e).
- d) The proposed lot line adjustment is consistent with Monterey County

Ordinance (Title 21). (See Finding Nos. 1, 2, and 3; and supporting evidence)

- e) As an exclusion to the Subdivision Map Act, the Lot Line Adjustment does not require the recordation of a map. To appropriately document the boundary changes, the Owner/Applicant shall record a deed for the respective parcels to reflect the adjustment (Condition No. 3) and a Certificate of Compliance for each new lot shall be filed per a standard condition of approval (Condition No. 4).
- f) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN230078.

6. FINDING: CEQA (Exempt) – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15305 categorically exempts minor lot line adjustments that do not result in the creation of any new parcel.
 - b) The project involves a Lot Line Adjustment (LLA) between two legal lots of record, Parcel A (188.9 acres) and Parcel B (67.5 acres), resulting in two parcels containing 183.1 acres (adjusted Parcel A) and 73.3 acres (adjusted Parcel B). No new lots will be created by the lot line adjustment. No demolition, construction, or other type of development is proposed under this entitlement.
 - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
 - d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230078.

7. FINDING: APPEALABILITY – The decision on this project may be appealed to the Board of Supervisors.

- EVIDENCE:**
- a) Section 19.16.020.A of the Monterey County Zoning Ordinance.


DECISION

NOW, THEREFORE, based on the above findings and evidence, the HCD Chief of Planning does hereby:

1. Find the project qualifies for a Class 5 Categorical Exemption pursuant to CEQA Guidelines Section 15305 and none of the exceptions under Section 15300.2 apply; and
2. Approve a Lot Line Adjustment between two legal lots of record consisting of Parcel A (188.9 acres, Assessor's Parcel Numbers 424-061-002-000 & 424-061-041-000) and Parcel B (67.5 acres, Assessor's Parcel Number 424-061-040-000), resulting in two lots consisting of Adjusted Parcel A (183.1 acres) and Adjusted Parcel B (73.3 acres), respectively.

All of which are in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 1st day of November, 2023.

DocuSigned by:

102E2007473F402...

Anna Quenga on behalf of
Melanie Beretti, AICP, HCD Acting Chief of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE **NOVEMBER 2, 2023**.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **NOVEMBER 13, 2023**.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 1-27-2021

County of Monterey HCD Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN230078

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

**Condition/Mitigation
Monitoring Measure:**

This permit (PLN230078) allows a Lot Line Adjustment between two legal lots of record consisting of Parcel A (188.9 acres) and Parcel B (67.5 acres), resulting in two parcels containing 183.1 acres (adjusted Parcel A) and 73.3 acres (adjusted Parcel B), respectively. The property is located at 73550, 73552, 73554 & 73556 Pleyto Cemetery Road, Bradley (Assessor's Parcel Numbers 424-061-040-000, 424-061-041-000, & 424-061-002-000), South County Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

**Compliance or
Monitoring
Action to be
Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Lot Line Adjustment Permit (Resolution Number 23-078) was approved by HCD Chief of Planning for Assessor's Parcel Numbers 424-061-040-000, 424-061-041-000, & 424-061-002-000 on November 1, 2023. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Prior to the issuance of grading and building permits, certificates of compliance, or
Monitoring commencement of use, whichever occurs first and as applicable, the Owner/Applicant
Action to be shall provide proof of recordation of this notice to the HCD - Planning.
Performed:

3. LOT LINE ADJUSTMENT DEED (NON-STANDARD CONDITION)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Owner(s)/Applicant(s) shall prepare, execute and record deeds that reflect the lot line adjustment as required by California Government Code §66412(d) and request an unconditional Certificate of Compliance for each of the adjusted parcels. (HCD-Planning)

Compliance or Monitoring Action to be Performed:

1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN230078) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B."
3. Draft deeds for all adjustment parcels, being all areas being conveyed by Owners in conformance to the approved lot line adjustment. The deeds shall contain a legal description and plat of the areas to be conveyed in conformance to the approved lot line adjustment. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN230078) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The deed shall comply with the Monterey County Recorder's guidelines as to form and content.
 - a. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
 - b. Each deed shall state in the upper left corner of the document the party requesting the recording and to whom the recorded document shall be returned.
 - c. The purpose of the deed shall be stated on the first page of the deed, as follows:
"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN230078. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall reconfigure the subject parcels in conformance to said approved lot line adjustment."

PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

4. Following review and any corrections of the legal descriptions and plats by County Surveyor:
 - a. Owner/Applicant submit copies of the fully executed and acknowledged deed(s) for the adjustment parcels to the project planner for review & approval by County Surveyor
 - b. Owner/Applicant shall submit the legal description and plat for each Certificate of Compliance to HCD-Planning for final processing.
 - c. Using a title company, execute the deeds before a notary public, and have the deeds recorded.
 - d. Owner/Applicant shall submit copies of all recorded deeds to the project planner.

4. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to HCD -Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the Certificates of Compliance.

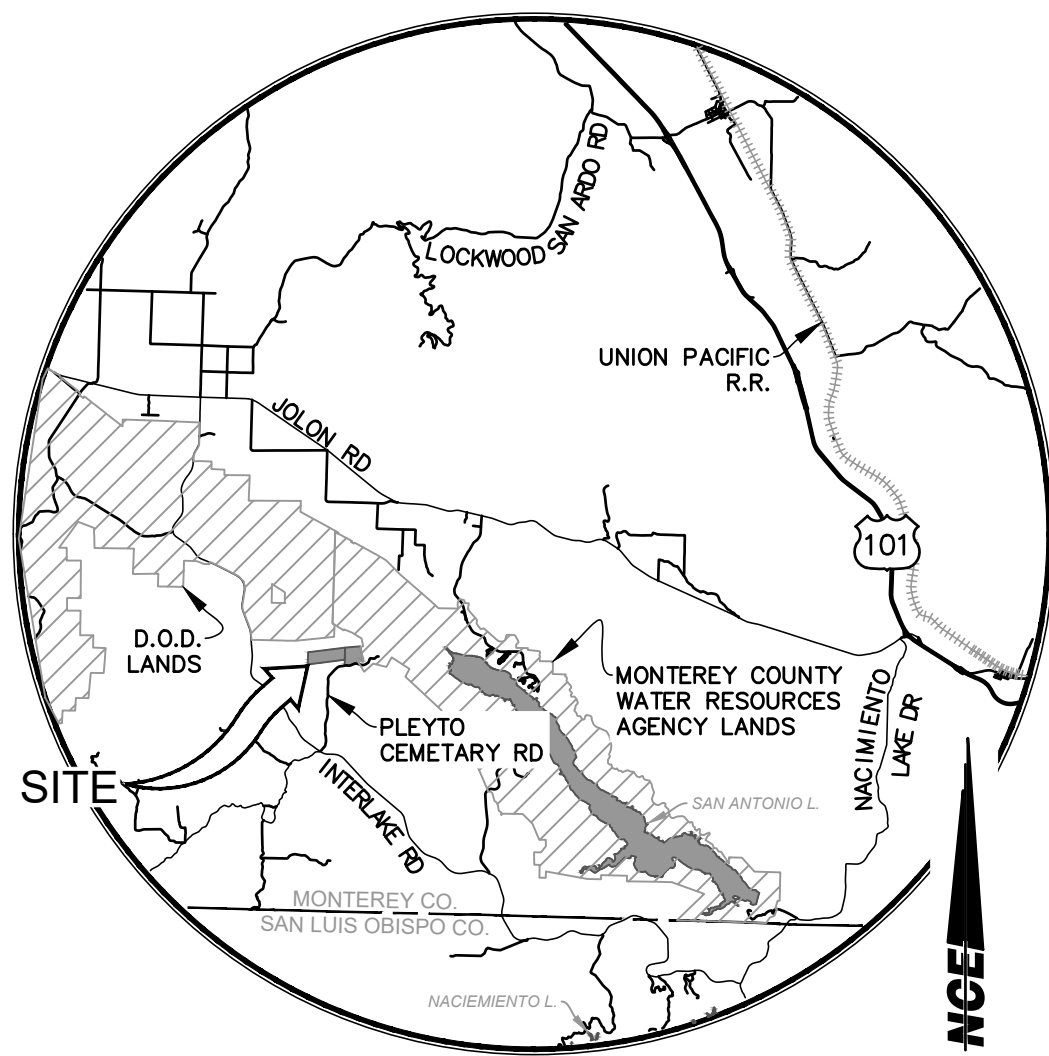
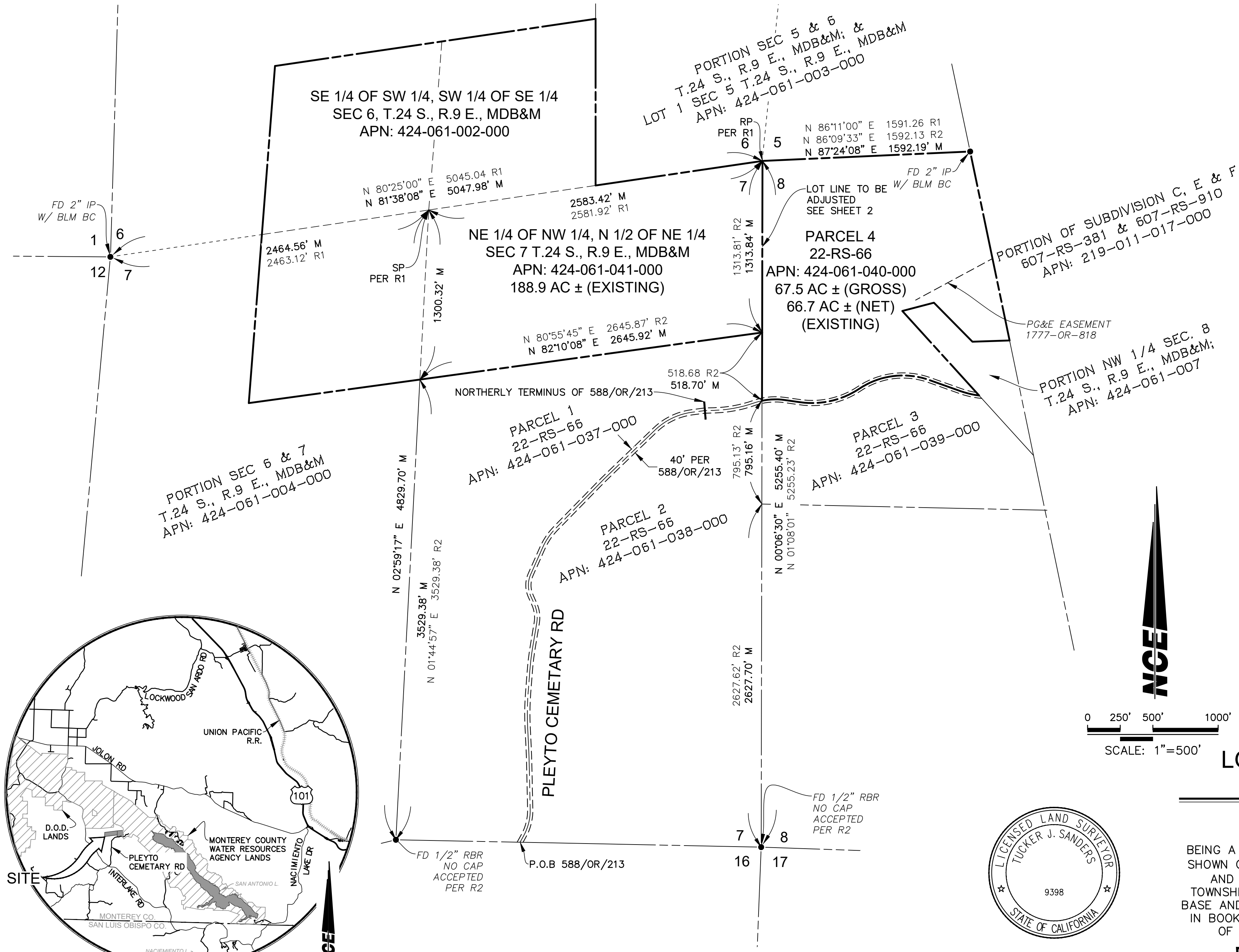
Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

5. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.



UNPLOTTABLE EASEMENTS

C-PATENTS-177
1984-G-47065 "OVER EXISTING POLES"

REFERENCES

R1 GLO RESURVEY T24S R9E MDB&M (1961)
R2 22-RS-66

LEGEND

--- EXISTING LOT LINE TO BE ADJUSTED
--- PROPERTY LINE
--- EASEMENTS
---x---x--- FENCE LINE

NOTE:

BOUNDARY INFORMATION SHOWN HEREON IS
BASED ON A SURVEY IN PROGRESS BY NORTH
COAST ENGINEERING, INC.

NOTES

APPLICANT: COPPERHEAD CREEK LLC
73550 PLEYTO CEMETARY RD
BRADLEY, CALIFORNIA 93426

SURVEYOR: TUCKER J. SANDERS LS 9398
NORTH COAST ENGINEERING
725 CRESTON ROAD, SUITE C
PASO ROBLES, CALIFORNIA
93446

SITE STATISTICS

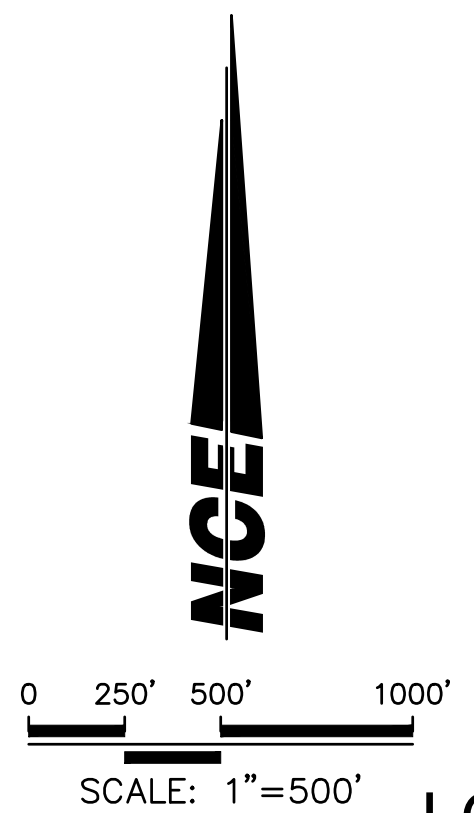
PARCEL 1
EXISTING AREA: 67.5 AC±(GROSS)
66.7 AC±(NET)

PROPOSED AREA: 73.3 AC±(GROSS)
72.5 AC±(NET)

APN: 424-061-040-000
ZONING: PG/40/PQP
OWNER: COPPERHEAD CREEK LLC

PARCEL 2
EXISTING AREA: 188.9 AC±
PROPOSED AREA: 183.1 AC±

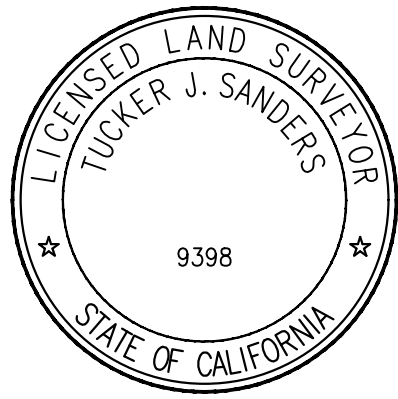
APN: 424-061-041-000, 424-061-002-000
ZONING: PG/40/PQP
OWNER: COPPERHEAD CREEK LLC



LOT LINE ADJUSTMENT MAP COAL 23-XXXX

IN THE COUNTY OF MONTEREY,
STATE OF CALIFORNIA

BEING A LOT LINE ADJUSTMENT BETWEEN PARCEL 4 AS
SHOWN ON 22 SURV. 66 AND NE 1/4 OF THE NW 1/4,
AND THE N 1/2 OF THE NE 1/4 OF SECTION 7,
TOWNSHIP 24, SOUTH, RANGE 9, EAST, MOUNT DIABLO
BASE AND MERIDIAN, ACCORDING TO THE MAP RECORDED
IN BOOK 22 OF SURVEYS, AT PAGE 66 IN THE OFFICE
OF THE COUNTY RECORDER OF SAID COUNTY.

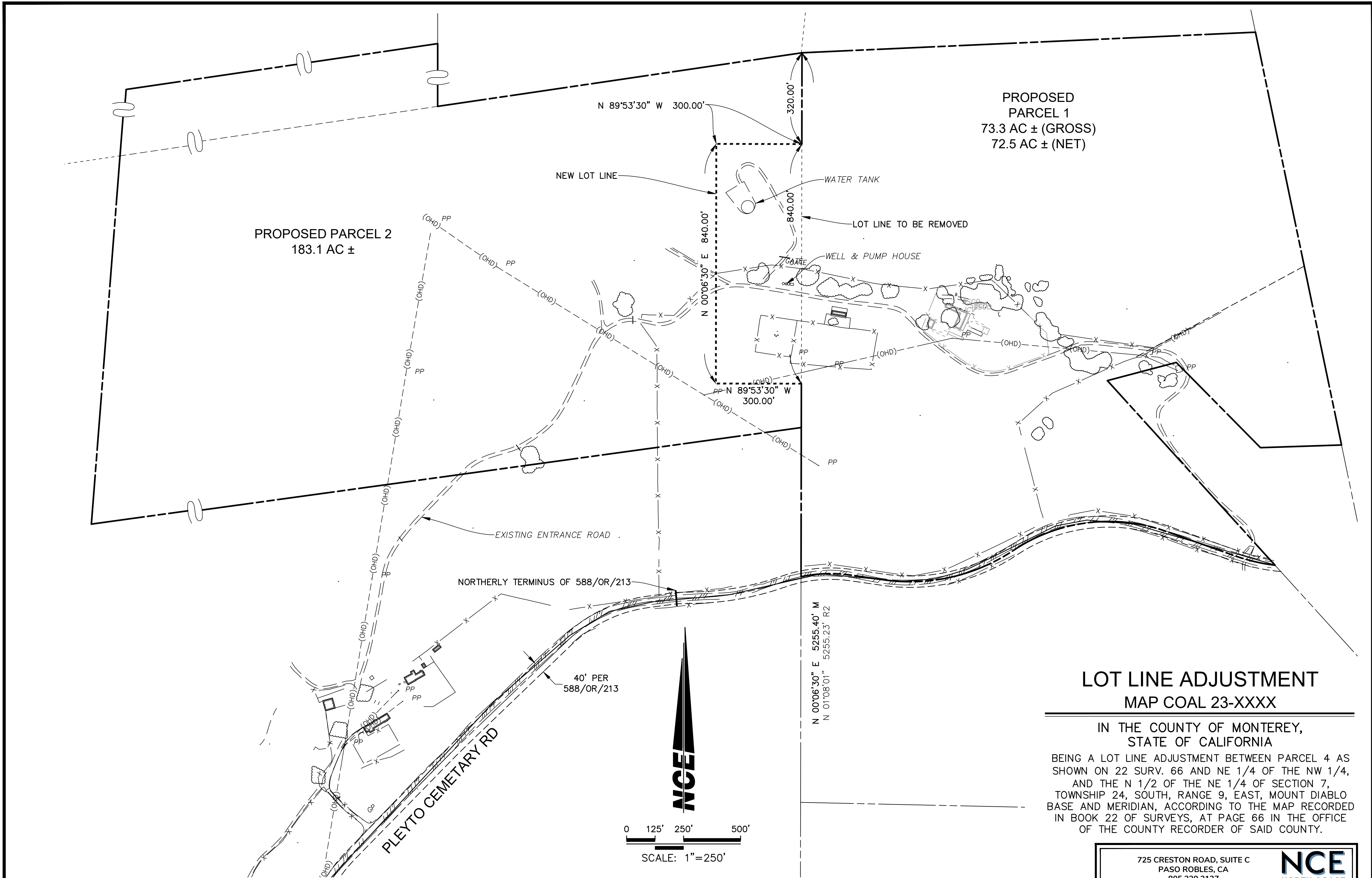


Tucker J. Sanders
TUCKER J. SANDERS
L.S. 9398
9-6-23
DATE

725 CRESTON ROAD, SUITE C
PASO ROBLES, CA
805.239.3127

NCE
NORTH COAST
ENGINEERING

R:\PROJ\20131\Survey\Map Sets\20131 LLA.dwg, Lot Line Adjustment, 9/6/2023 9:03:50 AM, TJS, 1:1



LOT LINE ADJUSTMENT MAP COAL 23-XXXX

IN THE COUNTY OF MONTEREY,
STATE OF CALIFORNIA

BEING A LOT LINE ADJUSTMENT BETWEEN PARCEL 4 AS
SHOWN ON 22 SURV. 66 AND NE 1/4 OF THE NW 1/4,
AND THE N 1/2 OF THE NE 1/4 OF SECTION 7,
TOWNSHIP 24, SOUTH, RANGE 9, EAST, MOUNT DIABLO
BASE AND MERIDIAN, ACCORDING TO THE MAP RECORDED
IN BOOK 22 OF SURVEYS, AT PAGE 66 IN THE OFFICE
OF THE COUNTY RECORDER OF SAID COUNTY.

725 CRESTON ROAD, SUITE C
PASO ROBLES, CA
805.239.3127